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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,915	07/13/2001	Clayton Wishoff	ZAPME-01013US1	4697
22907	7590	02/18/2004	EXAMINER	
BANNER & WITCOFF 1001 G STREET N W SUITE 1100 WASHINGTON, DC 20001			ZHOU, TING	
		ART UNIT		PAPER NUMBER
		2173		
DATE MAILED: 02/18/2004				

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Please find below and/or attached an Office communication concerning this application or proceeding.

RS

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/904,915	WISHOFF ET AL.
	Examiner	Art Unit
	Ting Zhou	2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 13 July 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
BA HUYNH  
PRIMARY EXAMINER

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Note reference character “192” in Figure 2 and reference characters “405”, “421”, “423”, “426” and “428” in Figure 4.
2. Applicant is required to submit a proposed drawing correction of the above noted deficiencies in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

***Specification***

3. The abstract of the disclosure is objected to because the meaning of the phrase “which is communication with a library of graphical elements, produces the visual display”, on lines 7-8, is not clear. It is advised that the phrase be changed to -- which in communication with a library of graphical elements, produces the visual display --. Correction is required. See MPEP § 608.01(b).

4. The disclosure is objected to because of the following informalities: the meaning of the phrase "which is communication with a library of graphical elements, produces the visual display", on lines 27-28 of page 3, is not clear. It is advised that the phrase be changed to -- which in communication with a library of graphical elements, produces the visual display --.

Appropriate correction is required.

### ***Claim Objections***

5. Claim 1 is objected to because of the following informalities: the use of the phrase "users screen" on 11 of claim 1 is grammatically incorrect. It is advised that the phrase be changed to -- user's screen --. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Beer U.S. Patent 5,793,368.

Referring to claims 1 and 9, Beer teaches a system and method for providing a graphical user interface environment on a user's screen of a computer system (column 1, lines 13-21 and column 2, lines 10-16). Specifically, Beer teaches the system and method comprising a library of graphical elements (icon server including graphical elements, bitmaps, etc.) (column 3, lines 34-40 and column 5, lines 46-49), each graphical element of the library having particular display characteristics and being capable of being displayed independently of one another (icons or objects have visual information associated with them and each represent a different visual style that can be displayed to the user) (column 2, lines 16-20), a first configuration file (the user interface file UIL) containing function calls to a subset of graphical elements within the library of graphical elements, which when activated retrieves the set of graphical elements (the programmable graphical user interface PGUI parses the UIL to retrieve one of a variety of visual styles), and a graphical user interface that displays the set of retrieved graphical elements on the user's screen (column 2, lines 26-37).

Referring to claims 2 and 10, Beer teaches a user login interface which accepts a set of user login variables and uses the login variables to log a user in to the system, as recited in column 2, lines 26-31.

Referring to claims 3 and 11, Beer teaches the system and method using the set of user login variables (user's preferred style), in combination with the first configuration file, to specify the set of graphical elements which are to be retrieved from the graphical element library (the visual style, including objects and icons that are to be retrieved and displayed), as recited in column 2, lines 26-37.

Referring to claims 4 and 12, Beer teaches a second configuration file (second UIL file), activated by selecting a particular graphical element from the graphical user interface, and which when activated retrieves a second set of graphical elements from the graphical element library (the PGUI can dynamically switch between different visual styles and use any one of a plurality of UILs), as recited in column 2, lines 10-15 and column 3, lines 34-40.

Referring to claims 5 and 13, Beer teaches the first configuration file being a skin file (the UIL file provides the grammar and syntax rules for describing the user interface and therefore, the UIL file can change the behavior and look of the interface screen), as recited in column 2, lines 26-37 and column 3, lines 41-49.

Referring to claims 6 and 14, Beer teaches the skin file (UIL) being parsed by an interface engine (PGUI) at runtime, the interface engine in communication with the graphical element library, to produce the visual display, as recited in column 2, lines 26-37 and column 3, lines 41-49.

Referring to claims 7 and 15, Beer teaches the user's computer system using a specialized agent process to initialize the user's machine with a default desktop or skin (visual style), and populate it with the graphical elements, windows and applications specified for that user (display the user interface according to the default visual style), as recited in column 2, lines 26-37.

Referring to claims 8 and 16, Beer teaches determining which skin file (interface language, i.e. which visual style) the configuration client uses to produce the graphical environment and its accompanying elements, as recited in column 2, lines 26-37.

7. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar systems and methods for customizing the user interface.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (703) 305-0328. The examiner can normally be reached on Monday - Friday 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 12, 2004

BAHU YAH  
PRIMARY EXAMINER